IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revn. No. 1153 of 2002

DATE OF DECISION : 28.08.2006

Ram Singh

.... PETITIONER

Versus

Bhupinder Singh and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. L.S. Bhangu, Advocate,
for the petitioner.

Mr. G.S. Sandhu, Advocate,
for respondents No.1 to 4.

Mr. N.S. Gill, AAG, Punjab.

* * *

Petitioner Ram Singh, who is complainant in case FIR No. 20 dated 22.5.1998 under Sections 419, 420, 467, 468, 120-B IPC, registered at Police Station Longowal, has filed this revision petition against the judgment dated 5.10.2001, passed by Addl. Chief Judicial Magistrate, Sangrur, whereby respondents No.1 to 4 have been acquitted of charge.

2. The State of Punjab has not filed any appeal against the impugned judgment of acquittal.

3. I have heard counsel for the parties and perused the impugned judgment.

4. In this case, complainant and the accused were co-sharers in the land. The allegation against the accused is that they have forged an affidavit of the complainant while taking the electric connection to their tubewell. In the affidavit, it was stated that the complainant has no objection for giving the electric connection to the accused for the irrigation of land of their share. The case of the complainant is that he never gave such an affidavit and the accused forged and submitted the same to the Electricity Department with a view to take advantage.

5. The trial court, after considering the evidence led by the prosecution, came to the conclusion that the prosecution has utterly failed to prove that the alleged affidavit was forged by any of the accused. The trial court has observed that though Ram Singh, Mewa Singh, Gurtej Singh, Gurdev Singh and Sewa Singh, while appearing in the witness box, have stated that affidavits Ex.P3 and Ex.P4 were not signed and thumb marked by them, but the prosecution has not proved that those affidavits were forged by the accused. It has not been proved that those affidavits were submitted by the accused. The trial court, by giving the benefit of doubt to the accused, has acquitted them.

6. Counsel for the petitioner, while referring to a judgment of the Supreme Court in ***Bhagwan Singh & Ors.*** v. ***State of M.P.,*** 2002 (1) Apex Court Judgments 487, submitted that in this case, while acquitting the accused, the trial court has committed grave illegality, which has resulted into mis-carriage of justice. He submitted that there was sufficient evidence led by the prosecution, which clearly prove allegations against the petitioners.

7. In this case, the accused have taken the electric connection for the irrigation of their land. While taking the connection, no harm was caused to the complainant. The only allegation is that the affidavit of `No Objection' was not signed by the complainant. The prosecution has not examined the Oath Commissioner, who attested the affidavit. The occurrence in the case is also pertaining to the year 1998. In view of the facts and circumstances of the case, I do not find any illegality or infirmity in the impugned judgment. In my opinion acquittal of the accused-respondents No.1 to 4 will not result into any mis-carriage of justice and no interference by this Court is required.

8. Dismissed.

August 28, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**